



POLICY TITLE: PRIVILEGE LEVEL SYSTEM POLICY NUMBER: 23.6 CHAPTER 23: CLASSIFICATION AND CASE MANAGEMENT		PAGE <u>1</u> OF <u>9</u>
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII
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I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

Department Medium or Higher Security Adult Facilities

III. POLICY

It is the policy of the Department of Corrections to use a privilege level system at medium or higher security adult facilities in order to provide an objective system for the provision of incentives to prisoners in response to pro-social behaviors and attitudes and active engagement in rehabilitative programs.

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VI. PROCEDURES

Procedure A: Privilege Level System, General

1. The Chief Administrative Officer, or designee, of each adult medium or higher security facility shall maintain a privilege level system for prisoners housed in general population housing units. The Chief Administrative Officer, or designee, shall, if applicable, implement different privilege level systems for medium and close custody housing units.
2. The privilege level system is part of the “four to one” positive reinforcement principle of behavior change, which applies four positive reinforcements for every one negative reinforcement when possible.
3. Staff shall document in CORIS positive prisoner behavior and attitude for review by the Unit Management Team. Staff shall provide a copy of positive CORIS notes to the prisoner.
4. The privilege level system is a system of progressive levels with each level having specific behavioral and program criteria that must be met in order to advance to the next level.
5. The privilege level system shall be used to award additional privileges to a prisoner based upon pro-social behavior and attitude, rehabilitative program participation, appropriate interaction with staff and others, and other relevant factors.
6. A privilege level system shall not be implemented in adult minimum security facilities as prisoners housed in minimum security facilities are expected to demonstrate positive behavior and to be case plan compliant in order to remain at a minimum security facility. After having completed facility orientation, a prisoner at a minimum security facility shall receive all of the privileges available at the facility that are allowed to prisoners on the highest level at medium or higher security facilities.
7. Each privilege level system shall consist of four (4) levels with privileges associated with each level corresponding to those listed in the Privilege Level Charts (Attachment A).
8. Upon the recommendation of the Unit Management Team and the approval of the facility Chief Administrative Officer, or designee, a prisoner may be given an Individualized Behavior Plan which may include individualized privileges other than those listed in the chart.
9. If available at the specific facility and to prisoners in the specific housing unit, the privileges that may be granted include, but are not limited to:
 - a. access to additional visits;
 - b. access to special visits (e.g., Skype visits, family day visits);

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- c. additional unstructured out-of-cell “rec” time;
 - d. extra recreational opportunities;
 - e. additional allowable personal property items, including electronics;
 - f. additional commissary privileges;
 - g. on-grounds, paid work assignments;
 - h. assignment to special work or volunteer opportunities;
 - i. assignment as peer mentors;
 - j. additional access to enrichment activities and rooms (e.g., library);
 - k. dining events (e.g., cookouts, orders); and
 - l. staff distributed items (e.g., coffee, etc.).
10. The facility Chief Administrative Officer, or designee, shall ensure that every prisoner is provided information in writing regarding the privilege level system for his or her housing unit, the criteria and process for advancing in the level system, and the privileges and incentives associated with each level.
 11. Prisoners shall wear identification cards that are color-coded based on his or her privilege level as specified in the Privilege Level Charts.
 12. Each level decision shall be based on the totality of a prisoner’s circumstances since the last level decision (or in the case of the first level decision for a reception status prisoner, the totality of the prisoner’s circumstances since the prisoner’s intake), including progress toward compliance with his or her individualized case plan, behavior and attitude, and other documented events and observations (e.g., interactions with staff and others).
 13. A privilege level decision shall not generally be made on the basis of a single incident, unless approved by the Chief Administrative Officer, or designee. The approval shall be documented in CORIS.
 14. Each level decision shall be individualized for the prisoner being considered and goal-oriented, taking into account prisoner risk reduction and behavior management principles.
 15. The privilege level system and associated processes are separate and independent of the Department’s disciplinary and classification processes.
 16. The privilege level system does not affect the award or denial of good time or deductions from sentences.
 17. The assignment to a specific level and/or awarding of privileges through a privilege level system shall not override other Departmental policies or decisions made pursuant to other policies (e.g., a prohibition on contact between a domestic violence offender and the victim, a loss of privileges through the

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disciplinary process, a placement in a unit with restricted privileges, such as an administrative segregation unit, etc.).

18. A Chief Administrative Officer, or designee, may authorize specialized privilege level systems that are consistent with the overall intent of this policy for prisoners who are in the Intensive Mental Health Unit, the Administrative Control Unit or another restrictive housing unit, a protective custody housing unit, or a housing unit focused primarily on programming and treatment (e.g., a sex offender treatment unit, a substance abuse treatment unit, etc.).
19. Specialized privilege level systems shall be designed so that each level decision shall be based on the totality of a prisoner's circumstances since the last level decision (or in the case of the first level decision for a new prisoner, the totality of the prisoner's circumstances since the prisoner's intake), including progress toward compliance with his or her individualized case plan, behavior and attitude, and other documented events and observations (e.g., interactions with staff and others).
20. All privilege level system decisions and relevant notes shall be documented in CORIS in the Custody/Phase/Level section.

Procedure B: Privilege Level Advancement

1. The Unit Manager, or designee, shall ensure that a prisoner who is on reception status is initially assigned to Level 1.
2. The Unit Management Team shall advance a prisoner on reception status to Level 2 after three (3) weeks or after his or her initial classification (if sooner) if the prisoner exhibits pro-social behavior and attitude, has appropriate interactions with staff and others, and, if applicable, satisfactorily participates in his or her work or program assignment.
3. A general population prisoner may apply for a level advancement by submitting a completed Prisoner Request for Privilege Level Advancement form (Attachment B) to his or her case manager once the minimum time has elapsed for the level the prisoner is currently assigned, which is:
 - a. a minimum of two (2) weeks on level 1 to apply to advance to level 2;
 - b. a minimum of two (2) weeks on level 2 to apply to advance to level 3; and
 - c. a minimum of four (4) weeks on level 3 to apply to advance to level 4.
4. In addition to the above time requirements, the prisoner must have satisfied the following eligibility criteria to advance to the next level:
 - a. demonstrated rehabilitative, responsible, and pro-social behavior through active participation in his or her Individualized Case Plan;
 - b. demonstrated pro-social behavior and attitude in interactions with facility staff and others;

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- c. complied with the Department's disciplinary rules and refrained from negative incidents or disruptive behaviors;
 - d. not been placed on administrative segregation status or disciplinary segregation or disciplinary restriction status;
 - e. met any goals and objectives that the Unit Management Team may have prescribed as part of the level advancement process; and
 - f. not been actively involved in gang activity, e.g., not been in possession of gang identifiers or gang related paraphernalia (e.g. photographs, illustrations, publications, written materials, clothing, symbols, graffiti, etc.), not used gang signals, and otherwise not been involved in gang activity, as set forth in Department Policy (AF) 14.25, Gang Identification and Management.
5. The prisoner's case manager shall review the form for completeness and accuracy. If completed accurately, and if the prisoner has met the time, disciplinary, and status criteria set out above since the last level decision (or in the case of the first level decision for a reception status prisoner, since the prisoner's intake), the prisoner's case manager shall refer the completed form to the Unit Management Team for review at its next regularly scheduled team meeting.
 6. The facility Chief Administrative Officer, or designee, shall ensure that each housing unit holds unit team meetings at least every two weeks to make decisions on privilege level advancement requests.
 7. At a minimum, each prisoner shall have his or her level reviewed every six (6) months.
 8. In considering a prisoner request for a privilege level advancement, the Unit Management Team shall review the totality of a prisoner's circumstances since the last level decision (or in the case of the first level decision for a reception status prisoner, the totality of the prisoner's circumstances since the prisoner's intake), including, but not limited to, the following:
 - a. behavior and attitude;
 - b. case plan compliance and progress toward compliance plan goals;
 - c. any incidents and notes;
 - d. documented interactions with staff and other prisoners;
 - e. observations of members of the Unit Management Team;
 - f. written input from the prisoner;
 - g. the prisoner's specific responsivity factors, including learning style, motivation, abilities and strengths;
 - h. length of time on a level (length of time, on its own, does not necessitate level advancement); and

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- i. any other pertinent factors.
9. If appropriate, a prisoner's mental health and/or medical conditions shall be accounted for as a responsivity factor when reviewing a prisoner's request for a privilege level advancement.
10. Program unavailability shall not preclude a prisoner from advancing to the next level.
11. The Unit Manager may override a Unit Management Team decision to advance a prisoner's level if it is determined to be in the best interest of safety and security. The override shall be documented in CORIS.
12. Once a decision has been made, the Unit Manager, or designee, shall inform the prisoner of the decision and provide individualized, meaningful feedback in writing.
13. If the decision is to approve the privilege level advancement, the Unit Manager, or designee, shall ensure the prisoner receives a formal recognition from the Unit Team.
14. If the decision is to deny the privilege level advancement, the Unit Team, or in the case of an override, the Unit Manager, may establish a specific period of time for the prisoner to be eligible to reapply and may prescribe goals and objectives that must be met as part of the level advancement process. The Unit Manager, or designee, shall ensure the prisoner is advised of the specific steps he or she must take to advance in level.
15. The prisoner's case manager shall update the prisoner's individualized case plan, if necessary.

Procedure C: Privilege Level Reduction or Suspension

1. Any member of the Unit Management Team may submit may submit a Staff Request for Privilege Level Reduction form (Attachment C) to the Unit Manager for a prisoner to be considered for a privilege level reduction.
2. The Unit Manager, or designee, shall decide whether the request for a level reduction shall be reviewed by the Unit Management Team.
3. The privilege level system shall not be used as an immediate response to an incident that the prisoner is involved in. There shall not be any expedited or emergency level reduction processes. Instead, the prisoner's level shall be reviewed at the next regularly scheduled Unit Management Team meeting.
4. In considering a staff request for a privilege level reduction, the Unit Management Team shall review the totality of a prisoner's circumstances since the last level decision, including, but not limited to, the following:
 - a. reason for the staff request;

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- b. behavior and attitude;
 - c. case plan compliance;
 - d. any incidents and notes;
 - e. documented interactions with staff and other prisoners;
 - f. observations of members of the Unit Management Team;
 - g. written input from the prisoner;
 - h. the prisoner's specific responsivity factors, including learning style, motivation, abilities and strengths;
 - i. length of time on a level (length of time, on its own, does not prevent level reduction);
 - j. if applicable, actions that may be taken in accordance with other policies (e.g., discipline, Prisoner Performance Report, etc.) (the taking of other actions does not prevent level reduction); and
 - k. any other pertinent factors.
5. The Unit Manager may override a Unit Management Team decision to not reduce a prisoner's level if it is determined to be in the best interest of safety and security.
 6. Once a decision has been made, the Unit Manager, or designee, shall inform the prisoner of the decision and provide individualized, meaningful feedback in writing.
 7. If the decision is to reduce the privilege level, the Unit Management Team, the Unit Team, or in the case of an override, the Unit Manager, may establish a specific period of time for the prisoner to be eligible to apply for a level advancement and may prescribe goals and objectives that must be met as part of the level advancement process. The Unit Manager, or designee, shall ensure the prisoner is advised of the specific steps he or she must take to advance in level.
 8. The prisoner's case manager shall update the prisoner's individualized case plan, if necessary.
 9. If a prisoner is placed onto emergency observation status (EOS), his or her current privilege level system status shall be suspended. If returned to general population status from EOS, the prisoner shall be assigned to his or her previous level, unless the Unit Management Team decides to reduce the privilege level.
 10. If a prisoner is placed onto administrative segregation status, disciplinary segregation or disciplinary restriction status, or is placed in the Administrative Control Unit or another restrictive housing unit, the prisoner shall only receive those privileges allowed by Department policy and, if applicable, any specialized level system. If returned to general population status, the prisoner shall be assigned to Level 1 until the Unit Management Team determines the appropriate privilege level for the prisoner.

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11. If a prisoner is placed in a protective custody unit or a housing unit focused primarily on programming and treatment (e.g., a sex offender treatment unit, a substance abuse treatment unit, etc.), the prisoner shall receive those privileges allowed by Department policy and, if applicable, any specialized level system. If returned to general population status, the prisoner shall be assigned to his or her previous level, unless the Unit Management Team decides to advance or reduce the privilege level.

Procedure D: Facility Transfers

1. Any prisoner transferred from one medium or higher security facility to another shall retain the privilege level that the prisoner had at the sending facility upon transfer to the receiving facility, unless the prisoner was on emergency observation status (EOS), administrative segregation status, or disciplinary segregation or disciplinary restriction status at the time of the transfer, or unless the transfer is a result of the prisoner engaging in behavior that rises to a disciplinary violation.
2. If the prisoner was on EOS, administrative segregation status, or disciplinary segregation or disciplinary restriction status at the time of the transfer, or the transfer is a result of the prisoner engaging in behavior that rises to a disciplinary violation, the prisoner shall be assigned to Level 1 until the Unit Management Team determines the appropriate privilege level for the prisoner.
3. Any prisoner transferred from a minimum security facility to a higher security facility shall be assigned to Level 1 until the Unit Management Team determines the appropriate privilege level for the prisoner.

Procedure E: Appeals

1. A prisoner may appeal a denial of his or her request for a privilege level advancement or a level reduction by submitting an Appeal of a Privilege Level Decision (Attachment D), which must be received by the Chief Administrative Officer, or designee, within five (5) working days of the prisoner's receipt of the decision.
2. An appeal shall not delay the implementation of the decision.
3. The Chief Administrative Officer, or designee, shall make a decision on an appeal within ten (10) working days of receipt of a timely appeal.
4. Upon review of the appeal, the Chief Administrative Officer, or designee, may:
 - a. approve the decision;
 - b. disapprove the decision; or
 - c. remand the decision to the Unit Management Team (or Unit Manager, if applicable) for further consideration.

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5. The Chief Administrative Officer, or designee, is the final authority for these appeals (no other appeals are allowed).
6. The Chief Administrative Officer, or designee, shall notify the Unit Manager of the decision by returning the completed Appeal of a Privilege Level Decision form (Attachment C) and shall also send a copy to the prisoner.
7. The appeal form shall be filed in the prisoner's administrative record and case management record.

VII. PROFESSIONAL STANDARDS

None

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